रजिस्ट्री सं. डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 38] नई दिल्ली, बुधवार, अगस्त 1, 1984/श्रावण 10, 1906
No. 38] NEW DELHI, WEDNESDAY, AUGUST 1, 1984/SRAVANA 10, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 1st August, 1984:—

BILL NO. XV OF 1984

A Bill further to amend the Coal Mines (Conservation and Development) Act, 1974.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Coal Mines (Conservation and Development) Amendment Act, 1984.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 4.

28 of 1974.

2. In section 4 of the Coal Mines (Conservation and Development) Act, 1974 (hereinafter referred to as the principal Act), after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) The Central Government may, if it is satisfied after consideration of all the facts and circumstances that the recovery of the cost of measures, if any, undertaken by it under sub-section (*1*) or sub-section (*2*) in relation to a coal mine is justified, recover such

cost from the owner, agent or manager of the coal mine, either wholly or partly, in the same manner as an arrear of land revenue."

Amendment of section 8.

3. Section 8 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Where any duty of excise referred to in sub-section (*1*) cannot be collected in the manner prescribed under that sub-section, it shall be recovered from the owner of the coal mine in the same manner as an arrear of land revenue."

STATEMENT OF OBJECTS AND REASONS

Section 4 of the Coal Mines (Conservation and Development) Act, 1974 (28 of 1974), enables the Central Government to exercise such powers and take such measures as it may deem necessary or as may be prescribed under the rules made under the Act for the conservation of coal and for the development of coal mines. Rule 6 of the Coal Mines (Conservation and Development) Rules, 1975 empowers the Central Government to recover from the owner, agent or manager of a coal mine the cost of such measures or operations as are undertaken by it under section 4 of the Act. The Committee on Subordinate Legislation (Sixth Lok Sabha) in its Tenth Report has suggested that the power to recover the cost of operations or measures undertaken by Government for the benefit of coal mine owners should flow from an express provision in the Act itself and not from the rules framed thereunder. The Comimttec has recommended the bringing of necessary amending legislation to include this power in the Act.

2. Section 6 of the Act provides for the levy and collection of a duty of excise on all coal raised, and on all coke manufactured, and despatched from the collieries in India. Under section 8 of the Act the duty of excise so levied shall be collected by such agencies and in such manner as may be prescribed by rules under the Act. The Coal Mines (Conservation and Development) Rules, 1975, provide for the detailed procedure for the levy and collection of this duty of excise. The said Committee, while examining sub-rule (11) of rule 8 of the said rules, which provides for the recovery of unpaid duty of excise, has observed that the provision to recover such duty as an arrear of land revenue is a substantive provision for which a specific authorisation must be made in the Act. It has, therefore, recommended that such a provision should be incorporated in the Act itself.

3. The Bill seeks to implement the aforesaid recommendations of the Committee.

NEW DELHI;
The 24th July, 1984.

P. SHIV SHANKAR.

SUDARSHAN AGARWAL,
Secretary-General.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1984